IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 27959 of 2007(C)

PETITIONER:

PRADEEP P., URUMBIL HOUSE,
KANAMALA P.O., KALAKETTY KARA,
ERUMELI SOUTH VILLAGE, KOTTAYAM DIST.

BY ADV. SRI.V.C.JAMES
SRI.GEORGE MECHERIL

RESPONDENTS:

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1. THE STATE BANK OF TRAVANCORE,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR.

2. THE ASSISTANT GENERAL MANAGER,
REGION II STATE BANK OF TRAVANCORE
ZONAL OFFICE, KOTTAYAM.

3. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE,
ERUMELY.

BY SC SRI. R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 27959/2007

Dated this the 16th day of November, 2007

JUDGMENT

The petitioner's father O.R.Prabhakaran, employed as Record Keeper in the first respondent, Bank, died-in-harness on 8.10.2005. Petitioner applied for appointment in the first respondent, Bank under the dying-in-harness scheme, on 27.3.2006. Apparently by the time petitioner's application was taken up for processing, the scheme for appointment under the dying-in-harness had been changed and this was intimated to the petitioner by Ext.P6 The petitioner was also told that the Bank has adopted a new scheme of payment of ex-gratia lump sum in lieu of appointment on compassionate grounds in tune with the Government of India guidelines. It is further intimated that as per the scheme, pending applications for compassionate appointments will also have to be considered under the new scheme. The petitioner has approached this Court seeking a direction to the Bank to consider his application for appointment under the dying-in-harness scheme on the premise that his application was prior to Ext.P6. Therefore, the same must be considered

either with reference to the date of the application or the date of the death of the employee, which has given rise to the claim as such.

2. In the counter affidavit filed by the Bank it is submitted that all pending applications for appointment under the dying-in-harness scheme are to be dealt with under the revised scheme. There is no provision for appointment of a person on compassionate grounds under the new scheme. Instead, those applications will be dealt with for payment of ex-gratia amount. It is pointed out that the petitioner's application will also be considered under the revised scheme.

3. In my view, since the scheme for appointment of dependants of deceased employees on compassionate ground is not currently in force in the first respondent, Bank, this Court cannot issue a direction to the first respondent to nevertheless consider the petitioner's claim for appointment.

In the circumstances, this writ petition is disposed of directing the petitioner to file a fresh application for ex-gratia payment under the existing scheme. If such application is filed within one month from today, the same shall be dealt with as per the provisions of the existing scheme and appropriate decision will be taken thereon within three months thereafter. If in future, the Bank introduces a scheme for appointment of the dependants of deceased employees on compassionate grounds, the petitioner may approach the Bank, if he is eligible in terms of the said scheme.

V.GIRI
Judge

mrcs